



February 15, 2001

HOUSE BILL No. 1511

DIGEST OF HB 1511 (Updated February 13, 2001 3:26 PM - DI 105)

Citations Affected: IC 14-8; IC 14-22; noncode.

Synopsis: Dangerous exotic animals. Provides that a person must have a permit or be exempted to possess certain dangerous exotic animals. Allows a conservation officer to inspect a facility that houses a dangerous exotic animal during reasonable hours to ensure that the animal is being safely maintained and the animal is being kept in healthy conditions. Requires a person who possesses a dangerous exotic animal to meet certain requirements to qualify for a dangerous exotic animal permit. Requires the department of natural resources to be notified when a dangerous exotic animal is moved out of state, ownership is transferred, or the animal dies. Requires that a local law enforcement officer and the department of natural resources be notified if a dangerous exotic animal escapes from the facility in which it is housed. Establishes penalties. Provides for the transition from existing permits to dangerous exotic animal permits.

Effective: July 1, 2001.

Friend, Kersey

January 11, 2001, read first time and referred to Committee on Agriculture, Natural Resources and Rural Development.
February 14, 2001, amended, reported — Do Pass.

HB 1511—LS 7709/DI 77+



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February 15, 2001

First Regular Session 112th General Assembly (2001)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2000 General Assembly.

HOUSE BILL No. 1511

A BILL FOR AN ACT to amend the Indiana Code concerning natural and cultural resources.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 14-8-2-64.5 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2001]: **Sec. 64.5. "Dangerous exotic animal", for purposes of**
4 **IC 14-22-26, has the meaning set forth in IC 14-22-26-1.3.**
5 SECTION 2. IC 14-8-2-296.5 IS ADDED TO THE INDIANA
6 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
7 [EFFECTIVE JULY 1, 2001]: **Sec. 296.5. "Venomous reptile", for**
8 **purposes of IC 14-22-26, has the meaning set forth in**
9 **IC 14-22-26-1.7.**
10 SECTION 3. IC 14-22-26-1 IS AMENDED TO READ AS
11 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 1. **(a) Except as**
12 **provided in subsection (b),** this chapter does not apply to the
13 following:
14 **(1) Interstate shipments of animals through Indiana.**
15 **(2) An animal during the first three (3) months from the date**
16 **of birth if the animal is the offspring of a wild animal or**
17 **dangerous exotic animal lawfully possessed under this**

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chapter.

(3) A person issued a mammal or bird rehabilitation permit.

(4) A person authorized by a permit issued by the United States Department of the Interior.

(5) A licensed veterinarian in temporary care of a wild animal or dangerous exotic animal.

(6) Licensed commercial animal dealers.

(7) Zoological parks.

(8) Circuses or carnivals.

(b) A person listed in subsection (a) may not transfer a dangerous exotic animal to another person in Indiana unless the person receiving the animal has obtained a permit for the animal under this chapter or is exempt under subsection (a).

SECTION 4. IC 14-22-26-1.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: **Sec. 1.3. As used in this chapter, "dangerous exotic animal" means any of the following animals, whether wild or captive bred, including hybrids:**

(1) The following cats of the Felidae family: lions, leopards, tigers, jaguars, cougars, panthers, and cheetahs.

(2) The following dogs of the Canidae family:

(A) wolves, coyotes, dholes, and dingos that are less than fifty percent (50%) domestic dog; and

(B) African wild dogs (*Lycaon pictus*), jackals, and hyenas.

(3) All bears of the Ursidae family.

(4) Venomous reptiles.

(5) Alligators, caimans, crocodiles, and gharials.

(6) The following great apes in the Pongidae family: gorillas, chimpanzees, bonobos, and orangutans.

SECTION 5. IC 14-22-26-1.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: **Sec. 1.7. As used in this chapter, "venomous reptile" means a reptile that is normally considered a venomous or poisonous species where found in its native habitat and that can inflict serious bodily injury (as defined by IC 35-41-1-25) or death upon a human being, regardless of whether the individual animal has been surgically altered.**

SECTION 6. IC 14-22-26-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: **Sec. 3. The director ~~may~~ shall adopt rules under IC 4-22-2 to require and issue the following:**

(1) A permit to possess a wild animal protected by statute or rule.

(2) A permit to possess a wild animal, **other than a dangerous**



1 **exotic animal**, that may be harmful or dangerous to plants or
 2 animals.

3 **(3) A permit to possess a dangerous exotic animal.**

4 A separate permit is required for each wild animal described in this
 5 ~~subdivision~~ **section**.

6 SECTION 7. IC 14-22-26-6 IS AMENDED TO READ AS
 7 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 6. **(a)** Rules adopted
 8 under this chapter must provide for the following:

9 (1) The safety of the public.

10 (2) The health **and humane treatment** of the animals.

11 **(b) A conservation officer may inspect a facility that houses a**
 12 **dangerous exotic animal during reasonable hours to ensure that**
 13 **the animal is being safely maintained and that the animal is being**
 14 **kept in healthy conditions.**

15 SECTION 8. IC 14-22-26-7 IS ADDED TO THE INDIANA CODE
 16 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 17 1, 2001]: Sec. 7. **(a) A person may not possess a dangerous exotic**
 18 **animal unless the person is exempt under section 1 of this chapter**
 19 **or has a valid dangerous exotic animal permit issued under this**
 20 **chapter.**

21 **(b) A person who wishes to receive a dangerous exotic animal**
 22 **permit must file an application for the permit with the department.**
 23 **An applicant who meets the following requirements may be issued**
 24 **a dangerous exotic animal permit:**

25 (1) The applicant must be at least twenty-one (21) years of
 26 age.

27 (2) The applicant must submit a sworn statement that the
 28 applicant has not been convicted of violating a state law or
 29 local ordinance prohibiting neglect or mistreatment of an
 30 animal.

31 (3) The applicant must submit a statement that the applicant
 32 has determined that there are not any local ordinances that
 33 prohibit the dangerous wild animal from being kept at the
 34 location indicated on the application.

35 (4) The applicant must prove that the dangerous exotic animal
 36 has received all the immunizations requires for that type of
 37 animal.

38 (5) The applicant must pass an inspection under section 8 of
 39 this chapter and submit a statement that the applicant will
 40 maintain the facility that will house the animal in a manner
 41 that complies with section 8 of this chapter.

42 (6) Submit the completed application under subsection (c) and



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the required application fee.

(7) Submit a written verification from a licensed veterinarian that the animal appears to be free of disease, appropriately immunized, and in good health.

(c) A person who requests a permit to possess a dangerous wild animal must submit an application that contains the following information:

(1) The applicant's name, address, date of birth, and telephone number.

(2) The address where the dangerous exotic animal will be kept.

(3) The type of dangerous exotic animal and the animal's approximate age and size.

(4) A plan for the quick and safe recapture of the wild animal if the animal escapes or, if recapture is impracticable, a plan for the destruction of the animal.

(5) Any other information required by the director.

(d) The director shall issue a dangerous exotic animal permit to a person who meets the requirements under this chapter.

(e) A dangerous exotic animal permit may not be transferred to another person or be used for a location not listed on the permit. A dangerous exotic animal may not be transferred to another person in Indiana unless the person receiving the animal has obtained a permit for the animal under this chapter or is exempt under section 1 of this chapter.

SECTION 9. IC 14-22-26-8 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 8. Before a permit is issued under section 7 of this chapter, a conservation officer shall inspect the facility where the dangerous exotic animal will be housed to determine that the facility that will house the dangerous exotic animal meets the following standards:

(1) The floor area of the facility meets or exceeds the minimum standards for housing animals as prescribed under the federal Animal Welfare Act (Public Law 89-544) and rules adopted under this chapter.

(2) The facility is sufficiently secure to prevent the animal's escape.

(3) The entrance to the facility is secured with a lock.

(4) The facility is designed to protect the animal from injury.

(5) If necessary for public safety, the facility is enclosed with a secondary fence that is at least three (3) feet from the

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outside of the walls of the facility to prevent a human from coming into contact with the animal.

(6) The facility has a sufficient sanitary water supply.

(7) The facility is constructed in a manner to provide proper temperature, ventilation, humidity, drainage, sanitation, and exercise.

(8) The equipment necessary to quickly recapture or destroy the animal is present.

(9) Any other standards adopted by the director.

SECTION 10. IC 14-22-26-9 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: **Sec. 9. (a) A person who is issued a permit for a dangerous exotic animal shall provide the following information to the director, in writing, within twenty (20) business days after the dangerous exotic animal is moved out of state or ownership of the dangerous exotic animal is transferred:**

(1) the name and address of the new owner;

(2) the address where the animal is located; and

(3) the date the animal was sold or moved.

(b) A person who is issued a permit for a dangerous exotic animal shall, within twenty (20) business days after the exotic dangerous animal dies, arrange to have the death certified by a veterinarian or a law enforcement officer.

SECTION 11. IC 14-22-26-10 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: **Sec. 10. If a dangerous exotic animal escapes from the facility in which it is housed, the person who possesses the dangerous exotic animal shall inform:**

(1) a local law enforcement officer immediately; and

(2) the department within twenty-four (24) hours.

SECTION 12. IC 14-22-26-11 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: **Sec. 11. (a) A person who violates section 7(a) or 10 of this chapter commits a Class A infraction.**

(b) Except as provided in subsection (a), a person who violates this chapter commits a Class C infraction.

SECTION 13. [EFFECTIVE JULY 1, 2001] (a) The definitions in IC 14-22-26, as amended by this act, apply to this SECTION.

(b) Notwithstanding IC 14-22-26-7, as added by this act, until March 1, 2002, the department of natural resources shall issue a permit to a person who owns a dangerous exotic animal who meets the requirements under:

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1 (1) IC 14-22-26 (before its amendment by this act); and

2 (2) 312 IAC 9-11 for a Class III permit.

3 (c) Notwithstanding IC 14-22-26-7, as added by this act, a
4 person who was issued a Class III permit by the department of
5 natural resources for a dangerous exotic animal before March 1,
6 2002, is not required to possess a dangerous exotic animal permit
7 until the Class III permit has expired.

8 (d) This SECTION expires March 1, 2003.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Agriculture, Natural Resources and Rural Development, to which was referred House Bill 1511, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, delete lines 30 through 37.

and when so amended that said bill do pass.

(Reference is to HB 1511 as introduced.)

LYTLE, Chair

Committee Vote: yeas 11, nays 0.

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